THE LAW RELATING TO THE RELIEF AND CARE OF DEPENDENTS. IV.

DEPENDENT CHILDREN.[1]

IT was not until the early seventies that the public care of dependent children began to differentiate from that of dependent adults. Until then dependent minors were cared for with the adults in the county or town almshouse, or supported with their parents upon outdoor relief. But at that time New York and Michigan excluded children from the almshouse and adopted systems of child-saving.[2] This movement has extended to a number of states, while in others it has not yet begun. It is the purpose of this paper to give the law relating to the care of dependent children now in force in the several states.

It must be borne in mind, however, that private institutions and child-saving organizations form an important part of the system of almost every state, so that, in searching out the public provision in any state, we are dealing with only a part of its system. It must also be borne in mind that but few states distinguish clearly between "vagrant" and "incorrigible" children on the one hand, and "dependent" and "neglected" children on the other. The result is that many destitute and homeless children are committed to the industrial schools and reformatories along with young offenders. The extent to which this is done does not fall within the scope of this paper. Suffice it to say that in many of the southern and western states, where no special provision is made for child-saving, the vagrancy laws are so general and so inclusive that destitute and homeless children may come within their scope.

[1] The section references in this paper are to the statutes given in a preceding paper, JOURNAL OF SOCIOLOGY, March, 1898, pp. 632–3.

[2] Michigan's state public school was established in 1871. New York passed her "children's act," excluding children from the almshouses, in 1875.

See *Report of N. C. C. C.*, pp. 123–4.

As was said, in many of our commonwealths the care of dependent minors has not differentiated from that of dependent adults. There is now, and has been, however, one possibility for a difference in their treatment. This is found in the law relating to the adoption and apprenticing of minors.

With the consent of the parent or legal guardian a child may, through the court, be adopted into a family and have the same legal standing as a natural child. So, too, may a minor, with the consent of the parent or guardian, be apprenticed or bound out through the court for a certain specified time, or until he reaches a certain age. In such a case the minor must work for his master, in consideration for which he receives maintenance, schooling, instruction in a trade, and other benefits, as prescribed by law. The contract is binding upon both parties and is dissolved only by the court. In nearly all the commonwealths the poor authorities are made the guardians of dependent and neglected children, and are explicitly authorized to secure their adoption or binding out.

As a rule, the power of the poor authorities to bind out poor orphans, dependent children, children of paupers, or children found begging, without the consent of their parents or guardian, is discretionary. In a few states it is made their duty to bind them out. But the point of interest is that twenty-nine of the forty-eight commonwealths have made no further provision. These states form a wide belt, including most of the southeastern, southern, and western states, where the child-saving problem has not become so pressing. It includes, however, a few New England and north central states.[1] If the authority to bind

[1] These states (including some where the power of binding dependent minors is not specifically granted) are Vermont, Maine, West Virginia, Virginia, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Illinois, North Dakota, South Dakota, Iowa, Nebraska, Missouri, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, and Oregon.

When one examines the statistics, he is surprised to find that it is not these states which have the largest number of children in the almshouses in proportion to the total population. However, children form a larger proportion of their almshouse population than in the other states.

See *Report of N. C. C. C.*, 1894, p. 125.

out dependent children is not exercised (and it is not), they are cared for in the almshouse, supported with their parents in the home, or treated as young vagrants.

The assertion that there is no further provision in these states than that spoken of above is not quite true. West Virginia and South Dakota authorize the courts to commit dependent and vagrant children to societies to be placed out.[1] Thus provision is made for coöperation with private organizations, so that children may be cared for in a semi-public way. Kentucky has a "board of children's guardians" in cities of the first class, whose duty it is to coöperate with the courts in removing children from vicious homes and securing good homes for them.[2] This board will be referred to again. Eight of these states make it the *duty* of the poor authorities to bind out dependent minors, and not to permit them, unless injudicious to do otherwise, to remain in the almshouse.[3] In Louisiana the county

[1] By an act of 1887, West Virginia authorizes orphans' homes to place their children in families when they think it best. The courts may commit destitute children to such orphans' homes. In South Dakata an act of March 1, 1895, provides for the incorporation of societies to care for and place out children surrendered to them by the parents or committed to them by the courts.

[2] The Kentucky law is a good example of the inclusive vagrancy acts. In that state (325) children under sixteen found begging, or who are homeless, or who are cruelly treated or neglected, or who are orphans destitute of the means of support, may be committed by the court to the reformatory.

[3] These states are Alabama (1474–1478), Mississippi (3159, 3161), Arkansas (250, 252), North Dakota (1498, 2834), South Dakota (2165), New Mexico (1037), Nevada (1985), and Washington (1599). The two Dakotas and Nebraska (3950) provide that such children shall be educated when permitted to remain in the almshouse. Section 3161 of the Mississippi statutes reads: "It shall be unlawful for any superintendent of a poorhouse to permit a healthy child of ten years of age or over to remain at the poorhouse; but all such children there shall be reported to the board of supervisors and bound apprentices." The members of the board of supervisors are to "report to the board the names of the poor orphan children within their respective districts, and of other children whose parents are unable to support them." In Alabama it is the duty of the sheriff, justices of the peace, and all civil officers to report children to the probate court, so that they may be bound out. A like duty devolves upon the justices of the peace in New Mexico. A similar provision is found in Georgia (2605), where policemen and other civil officers are to report all such cases to the ordinary. In Florida (2115), when a person is placed upon the "pauper list" of the county, it is the duty of the county commissioners to report any children he may have under sixteen years of age to the county judge, that he may bind them out.

judge may remove any child from a home where its welfare is "seriously endangered" and provide for it as he may see fit.[1] In Illinois the court is authorized to remove children from the almshouse and find family homes for them, when such can be done without incurring any expense.[2] Texas and Nevada have state orphans' homes for indigent orphans and half-orphans.[3] Iowa has a state institution for soldiers' and sailors' orphans at Davenport, to which other destitute children may be admitted when there is sufficient room.[4] Then, too, in some states the authority of the court or of the county commissioners in caring for dependents is so general that special provision for minors might in some cases be made.

New Jersey, North Carolina, and California have made special provision for dependent children, but they have not excluded minors from the almshouse. In New Jersey counties having populations of more than 20,000 may establish children's homes. The court of common pleas of counties having populations of less than 20,000 may commit children to non-sectarian children's homes at county expense, such expense not to exceed $1.50 per week. Children may be supported in these institutions until

[1] Act of 1894.

[2] Efforts to secure some positive legislation in child-saving in Illinois have been almost fruitless. The law referred to above (43, ch. 107) reads: "That the county judges of the several counties of this state be, and they hereby are, authorized to make such orders as shall be necessary to release from the custody of the keepers of the poor-farms in their respective counties all children confined therein under the age of fourteen (14) years, who have no parents or legal guardians living, whenever the said judge can, without expense to the county, through the agency of any person or charitable society in this state, secure a good home for said child; and the said judge is hereby authorized, and it is made his duty, to enter into a contract on behalf of such child or children with the person who agrees to take such child, which contract shall provide that said child shall be clothed, maintained, and schooled in the common schools of the state until he, if a male child, is twenty-one years old, and if a female, until she is eighteen years of age." The law (2–6, ch. 9) also authorizes the court to remove children from their parents when they, because of drunkenness, incapacity, or immorality, are unfit to care for them. Upon this point the court has held (55 Ill., 280) that the father is the natural guardian of the child, and that his rights can be abridged by the state only upon necessity arising from his gross unfitness to have custody of the child.

[3] 1–11, art. 120; 1463–1480. [4] 2701–2708.

sixteen years of age. Institutions caring for dependents at county expense must report annually to the board of freeholders.[1] In North Carolina the county commissioners are authorized to establish children's homes and levy a tax therefor. Dependents under fourteen years of age may be admitted to these homes and are retained until sixteen, all being employed, so as to make the institutions as nearly self-supporting as possible.[2] The state of California subsidizes institutions caring for twenty or more orphans, half-orphans, and abandoned children. The state also subsidizes foundling institutions receiving and caring for twenty or more children during the year.[3]

Of the thirty-two states thus far referred to, perhaps only the three last mentioned — New Jersey, North Carolina, and California — can be said to have provided for a system of public child-saving. The remaining sixteen states have made more progress and have evolved more or less well-organized systems.

The movement of excluding children from the almshouse,

[1] Acts of March 14, 1879, and March 14, 1881.

[2] Act of March 6, 1891.

[3] California adopted the subsidy system in 1871. After the law was amended a number of times, a new law was adopted March 25, 1880. This is now in force, and reads in part: "There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to each and every institution in this state for the support and maintenance of minor orphans, half-orphans, or abandoned children, aid as follows: For each whole-orphan supported and maintained in any such institution, the sum of one hundred dollars per annum; for each half-orphan supported and maintained in any such institution, the sum of seventy-five dollars per annum; for each abandoned child supported and maintained in any such institution, the sum of seventy-five dollars per annum; provided, such abandoned child shall have been an inmate thereof one year prior to receiving any support as provided in this act." No institution caring for fewer than twenty children is subsidized. In reckoning the number of children, only those under fourteen years of age, and for whose care no payment of $10 or more per month has been received, are included. The institutions are to keep full records of the children, of sums received for their care, etc. The books are to be inspected by the state board of examiners. Subsidies are paid in semi-annual installments.

By an act of March 7, 1883, subsidies were extended to foundling institutions. The state grants those institutions receiving and caring for twenty or more children under the age of eighteen months $12.50 per month for each child cared for.

For something as to the expensiveness and actual workings of this subsidy system in California, see Mr. Randall's article on "The Michigan System of Child-saving," JOURNAL OF SOCIOLOGY, Vol., I, p. 710 (May, 1896).

and providing other facilities for their care, was begun in the early seventies. At present eleven states prohibit the retention of certain classes of children (all fit for family care) in the almshouses, while others have made such provision that their retention, although not prohibited, is unnecessary. In Massachusetts none but young children (under eight years of age), with their mothers, and children of unsound mind, are to be sent to the almshouse.[1] In New Hampshire no child of sound mind between the ages of three and fifteen is permitted to remain in the almshouse longer than sixty days.[2] Likewise in Pennsylvania pauper children, unless unteachable idiots, epileptics, or paralytics, are not to be kept in the almshouse longer than sixty days.[3] Similarly in Maryland none save the abnormal, between the ages of three and sixteen, are to be retained there longer than ninety days.[4]

County homes are to be provided in Connecticut, and after they are so provided, no child between the ages of two and sixteen is to be kept in any almshouse.[5] None but the crippled and deformed are permitted to remain in the almshouses of New York.[6] After January 1, 1898, none between the ages of three and seventeen are to be permitted to remain longer than ten days in the "poor asylums" of Indiana.[7] No child between the ages of five and sixteen, unless an unteachable idiot, epileptic, or paralytic, or one who is unfit for family life, shall be sent to the almshouse in the state of Wisconsin.[8] In Michigan, Minnesota, and Colorado no child who may be sent to the state public school may be retained in the almshouse when there is sufficient room at the school.[9] The statutes of Ohio declare that, if children are permitted to remain in the "infirmary," they must be kept in a department separate from that of the adults.[10]

Turning to the positive provisions in the several states yet to

[1] 4, ch. 84.
[2] Act of March 26, 1897.
[3] 46, p. 1020.
[4] 1, 2, art. 4.
[5] 3657.
[6] 2, ch. 438, Law of 1884.
[7] Act of February 23, 1897.
[8] 1527.
[9] 1975; 3513; Act of April 10, 1895.
[10] 7800.

be considered, we find that they have all adopted more or less effective methods of placing children with families to be cared for and educated. The child is placed with a family upon a written contract. This contract specifies how much schooling, etc., it shall receive, and provides for its treatment as a member of the family. The parties to the contract are the officer or agent of the institution placing the child, and the head of the family receiving it. This contract may, in all cases, be abrogated by the former party whenever the child's welfare may be thereby furthered. When the care of a child placed with a family is not paid for, it is said to be "placed out;" when paid for, "boarded out."

In accordance with her "children's act" of 1875, New York removed all her normal children from the almshouse and placed them in private asylums at public expense, the law providing that, in the selection of institutions, preference should be given sectarian institutions of the child's religious faith. This subsidy system led to great abuses. As a result of these a law was enacted in 1884 providing that no child should be supported at public expense until the case had been examined by the court and it had been found that there was no relative under legal obligation to support the child in question.[1] Further control over the institutions was secured in 1894, when a law was enacted providing that they could be incorporated only with the consent of, and upon the conditions imposed by, the state board of charities.[2] Most dependent children are thus sent to these institutions at county or town expense (New York has both county

[1] Ch. 438, Laws of 1884.

[2] Ch. 171, Laws of 1894. The section of the law referred to reads: "No institution [caring for children] shall be incorporated for any of the purposes mentioned in this section except with the written consent and approbation of a justice of the supreme court, upon the certificate in writing of the state board of charities approving the organization and incorporation of such an institution. The said board of charities may apply to the supreme court for the cancellation of any certificate of incorporation previously filed without its approval, and may institute and maintain an action in such court, through the attorney general, to procure a judgment dissolving any such corporation not so incorporated and forfeiting its corporate rights and privileges and franchises."

and town paupers), but some few are "placed out" by the overseers of the poor.[1] In Erie county two agents are employed to find family homes for indigent children.[2]

Maryland and New Mexico have a combination of the subsidy and "placing-out" systems. In the former state, as was seen, the trustees of the poor or the county commissioners are prohibited from retaining children in the almshouse longer than ninety days, but are to place them with families or in educational institutions and children's homes. This last clause makes the subsidy system possible. When placed with families, children are to be visited at least once in every six months, and if their welfare demands it, may be removed at any time.[3] In New Mexico the courts may commit children to the asylum of the Sisters of Charity at Santa Fé. Children so committed are paid for by the state at the rate of $10 per month, it being provided that the total amount spent in this way in any one year shall not exceed $5,000. It is the duty of the institution to find family homes for these wards. The probate judge is also authorized to find homes in good families for the dependent children of his county.[4]

By an act of March 31, 1893, the overseers of the poor and the county commissioners of New Hampshire were authorized to send dependent children to private institutions upon such terms as they might agree, preference being given in any case to the institution of the child's religious faith. The next legislature passed a measure, going into effect July 1, 1895, prohibiting the retention of any children (except those of unsound mind) between the ages of three and fifteen in the almshouse longer than thirty days, and made it the duty of the overseers of the poor and the county commissioners to find homes for them in families. The placing out was to be done in accordance with the direction of the state board of charities, created to secure the enforcement of this law, and all contracts entered into in placing children were to be filed with it.[5] In 1897 this law was

[1] *Report of N. C. C. C.*, 1894, p. 126.
[2] *Ibid.*
[3] 1–2, art. 4.
[4] 1116, 1121.
[5] Act of March 29, 1895.

amended giving the state board still greater power.[1] As the law now stands, children are not to be retained in the almshouse longer than sixty days. It is the duty of the overseers of the poor and of the county commissioners to place out any such with families. The agent of the state board is to visit all the almshouses of the state, and if any child is found retained longer than sixty days, it becomes his duty to remove it and find a home for it. All contracts are filed with the state board. The agent visits children placed out and may remove any child from its home whenever its welfare may be thereby furthered.

Connecticut and Ohio place out their dependent minors, using county and "district homes" as temporary refuges. In Connecticut each county, through its county commissioners, is to provide one or more homes as temporary refuges for children between the ages of two and sixteen, other than those "demented, idiotic, or suffering from incurable or contagious diseases." The towns are to send their dependents to these county homes, paying from $1.50 to $2 per week for each child so sent. These homes "shall not be used as a permanent provision or residence for any child, but for its temporary protection for so long a time only as shall be necessary for the placing of the child in a well-selected family home." These refuges are under the direction of a board composed of the county commissioners, a member of the state board of charities, and a member of the state board of health. Each board is to appoint two agents (a man and a woman) to assist it in placing out and visiting the children. Each child is to be visited at least once every three months and may, when its welfare requires it, be removed and placed again in the county home or with another family.[2]

Ohio has adopted what is commonly known as the "district system."[3] A county, or two or more counties, may establish and maintain children's homes, to which all indigent children between three and sixteen years of age, unless imbecile, idiotic, or insane,

[1] Act of March 26, 1897. [2] 3656–3663.

[3] For a description of this system see "Children's Homes in Ohio," by S. J. HATHAWAY, *Report of N. C. C. C.*, 1890, p. 208.

are to be committed. The courts may also commit minors who are abused by their parents or guardians to these institutions.[1] The homes are directed by bipartisan, unsalaried boards of four, appointed by the county commissioners. The boards are authorized to appoint agents to place out such children within or without the state, in the former case reporting their action to the clerk of the township in which the child is placed. The township clerk reports all cases to the county visitors (of whom there are three, appointed annually by the probate court), who are to visit the child at least once a year and report to the institution. The township trustee is to visit all such children upon the lists of the township clerk quarterly and report to him, he in turn reporting to the institution. Children not well cared for are to be removed.[2]

Until January of the present year the dependent children of Indiana were cared for in the "poorhouses" or boarded with private institutions. The matrons of these institutions were to use due diligence in finding family homes for the children, and were to visit them when placed out. It is needless to say the children were not placed out. As a result of the abuses of this subsidy system the enforcement of the law was placed in the hands of the state board of charities. Children of sound mind, between the ages of three and seventeen, are not to be retained in the county almshouse longer than ten days. Each county (or two or more counties jointly) is to provide a children's home or make provision with some institution, to which all dependent children suitable for family care are to be sent by the township trustees or the county commissioners. The court may also

[1] Sec. 945, Bates' Annotated Statutes, 1897, reads: "Children who are under the custody of parent, guardian, or next friend, and who by reason of neglect, abuse, or from the moral depravity, habitual drunkenness, incapacity or unwillingness of such custodian to exercise proper care or discipline over them, are being brought up to lead idle, vagrant, or criminal lives, may, if the trustees of the township in which they have a legal settlement, after a careful and partial investigation of the condition and facts, as they exist, deem it manifestly requisite for the future welfare of such children, and for the benefit and protection of society, be committed to the guardianship of the trustees of a county or district children's home."

[2] 930–945, Bates' Annot. Stat.

commit children abused or neglected by their parents or brought up in evil associations to these homes. It is the duty of the township trustees to report all such children to the court for commitment. When committed, they become the wards of the trustees of the homes. These homes are to be used as temporary refuges, and it is made the duty of the boards to use due diligence in finding family homes for children placed in them. When placed with families, the children are to be visited at least once a year and a report made to the county commissioners. The state board of charities is to appoint one or more agents to coöperate with the boards of the county homes in finding family homes for children and in visiting such as are placed beyond the limits of the county. The agents may also receive children directly from the court and the county commissioners, and find homes for them. Each county home is to report monthly to the state board of charities and the county commissioners the number received during the previous month.[1]

Six states—Michigan, Rhode Island, Wisconsin, Minnesota, Kansas, and Colorado—have what is commonly known as the "Michigan system." In 1875 Michigan provided for a state public school, in which all the dependent minors of sound mind and body were to find a temporary home and school, and from which they were to be placed out, their guardianship being vested in the board of control of the state institution.

As Michigan's law now stands, all indigent children between the ages of two and twelve, of sound mind and free from bodily disease, are not to be retained in the almshouse, but, if there is sufficient room, sent to the state public school. The superintendents of the poor are to report all indigent minors to the probate judge. The fact of a child's dependence is established by the court, the parents of the child being notified of the procedure and having the right to appear in defense of their rights to the child. When the fact of its dependence is established, the child is examined by the county physician and, if found to be normal and free from contagious disease, is then committed

[1] Act of February 23, 1897.

by the court to the state public school. All rights of the parents over the child are thereby severed, all their duties toward it absolved. The child, upon commitment, becomes a ward of the board of control of the institution.

This board of control is composed of three persons appointed by the governor, with the advice and consent of the senate, for six years. It is a continuous body, as one member is appointed each two years. It has full charge of the institution and of the education and placing out of the children.

In the school the children are taught the common branches, and receive physical and moral training. Here they remain until prepared for family life and suitable homes can be found for them. If any are not adapted to family life, or if homes cannot be found for them, they are returned at the age of sixteen to the superintendents of the poor, to be cared for as other dependents.

The institution is intended to be only a school and a temporary home. The board of control is to use due diligence in placing its wards with suitable families. It is to employ a state agent to find such homes and to visit children when placed in them. This agent is assisted in the work by the county agents of the state board of corrections and charities.

The salary of the state agent, the expenses and salaries of the board of control, and all expenses incident to the school are borne by the state.[1]

Michigan's law establishing a state institution has been copied, with some variations, by the other states mentioned above. The Rhode Island state home and school for children receives those between four and fourteen years of age who are declared to be "vagrant, neglected, and dependent upon the public for support." The superintendents of the poor and the societies for the prevention of cruelty to children are to report all abandoned and neglected children and all in the almshouse to the probate court, whereupon they are committed to the state home and

[1] 1962–1983, as amended in 1885, 1887, and 1889. For a fuller statement of the law and an account of the system, see Mr. Randall's article referred to above.

school, as in Michigan. The board of control becomes the guardian of such children and is to employ a salaried secretary to place out those it is thought will be benefited thereby, in Rhode Island, Massachusetts, or Connecticut. Those not placed out are retained in the institution until eighteen years of age.[1]

The provisions for the Minnesota state public school for dependent and neglected children are very similar to those of Michigan. They differ from them in that children between two and fourteen are admissible, preference, however, being given to those under twelve. It is the duty of the county commissioners to bring all abandoned, neglected, idle, and vagrant children, those who are in danger of life, health, or morality, before the probate judge for commitment. A state agent is employed, who places them with families and visits them as directed by the board of control for the school.[2]

The Wisconsin law differs from that of Minnesota chiefly in that the ages of children committed are from three to fourteen, preference here again being given to those under twelve. As in Minnesota, no children of this age and of sound mind and free from disease are to be permitted to remain in the almshouse.[3]

The Kansas Soldiers' Orphans' Home is an institution for dependent and neglected children like the state schools of Wisconsin and Minnesota, soldiers' orphans having a preference in

[1] Ch. 87. The purpose of the institution is stated in sec. 8 thus: "It is declared to be the object of this chapter to provide for neglected and dependent children, not recognized as vicious or criminal, such influences as will lead toward an honest, intelligent, and self-supporting manhood and womanhood, the state so far as possible holding to them the parental relation. But if at any time, in the discretion of the board, this object can be better attained by placing a child in a good family, they shall have the power to do so on condition that its education shall be provided for by such family in the public schools of the town or city where they may reside. The board are hereby made the legal guardians of all the children who may become inmates of the home and school and charged with the duty of following such children as may be placed in families with watchful care, and of taking them back to their own immediate supervision if at any time they fail to receive kind and proper treatment and a fair elementary education."

[2] 3509–3520, as amended April 5, 1895.

[3] 573*a*.

the order of admission. When placed out, the children are to be visited by the county superintendents of instruction at least twice each year and reports made to the institution. The superintendents receive their expenses and $3 per day for the time spent in the performance of this duty.[1]

In 1895 Colorado established a state home "for children of sound mind and body under sixteen years of age who are dependent upon the public for support." The provisions for a state agent, for placing out, etc., are essentially the same as those in the states described above. Each child placed out must be visited quarterly by the county superintendent, a county commissioner, one of the county visitors or the state agent, and its condition reported to the state home.[2]

In accordance with an act of March 2, 1893, Montana established an orphans' home for the care of orphans, foundlings, and destitute children, which in many respects is not different from the state public schools described above. It is primarily for children under the age of twelve, but the board of trustees may admit others under the age of sixteen. Facilities for education, "literary, technical, and industrial, as can be made beneficial to

[1] 6214–6219.

The law providing for the creation of this instititution states its purpose as follows: "Said orphans' home shall be an institution to afford a temporary home without charge for the classes of children hereinafter mentioned, and to provide them with such advantages of education and training as may be necessary to fit them to enter homes secured for them. . . . . All children with sound minds and bodies, who are over the age of two years and under the age of fourteen years, and who belong to either of the following classes, shall be eligible for admission to said home: First, any child who is dependent upon the public for support; second, any abandoned, neglected, or ill-treated child whose condition is an object of public concern, and over whom the state may have power to exercise its authority and extends its protection; provided, that in the event of a lack of room in said institution the children of soldiers and sailors who served in the Union army or navy during the late rebellion shall have preference in the order of admission."

[2] 422.

In the supplement we find a note reading as follows: "This institution was established as a result of a quickened public conscience upon the subjects of waifs of the state, a comprehensive understanding of the relation of the state to the child, and the demonstrated effect of such institutions in decreasing crime."—Park *vs.* Commissioners of Soldiers and Sailors' Home, 22 Colorado.

them," are to be provided. The trustees may, at their discretion, find family homes for them.[1]

In the two states of Massachusetts and Pennsylvania we find the system of boarding out children along with placing out as found in the several states just noticed. In Pennsylvania children of sound mind are not to be retained in the almshouse longer than sixty days. It is the duty of the overseers of the poor to place them in some educational institution or home, or with some respectable family. When placed out, they are to be visited at least once in six months and reports made to the overseers or other persons having charge of the poor.[2] Counties are also authorized to establish industrial homes.[3] As a matter of fact, most of the overseers have placed the indigent children in the care of the Pennsylvania Children's Aid Society, by which they are boarded with families at public expense. As a rule, the children are regularly adopted after a few months and thus secure permanent homes.[4]

Massachusetts has "state dependent children" and "town dependent children." The state charges are foundlings and those without a town settlement. The town charges are those having a town settlement. The state charges are under the guardianship of the state board of lunacy and charity. Deserted and destitute infants, until three years of age, are cared for at state expense (not to exceed $4 per week) at St. Mary's Infant Asylum, or, at the discretion of the state board, are boarded with private families. The non-resident dependents, from three to fourteen years of age, are committed to the state primary school, from which they may be placed or boarded out, or are boarded out directly. The expense incurred in boarding such children is not to exceed $2 per week. These state charges, when placed or boarded out, are to be visited by the

[1] "The trustees may, when, in their opinion, the best interests of any inmate would be subserved thereby, secure homes for any of them in private families upon such terms as they may agree upon, reserving the right to replace such children in the home if they shall deem it for their best interests."

[2] 47, p. 1020. [3] 48, p. 1020.

[4] See *Report of N. C. C. C.*, 1894, p. 130.

state board.[1] The town charges are under the direction of the overseers of the poor. They may send them to some asylum to be cared for at public expense, or they may find family homes for them, with or without expense. When placed or boarded with a family, children are to be visited by the overseers or an agent at least once every three months.[2] If no local provision has been made, they may be committed to the care of the state board.[3]

Something should also be said of the provision in the District of Columbia. In 1892 a board of children's guardians was created, and the guardianship of the dependent children vested in it. The board, through its agents, is to board children with families or with institutions, or secure their adoption or bind them out, visiting each child committed to its care at least once each year.[4]

So much for the provision made by the several commonwealths for the care of dependent children. There remain two points of which we wish to speak, viz.: the "boards of children's guardians" of Indiana, Kentucky, and the District of Columbia, and the state regulation of private institutions caring for children.

Frequently there is insufficient incentive to obtain, or inadequate provision for, the enforcement of a law sufficiently wide in its scope. The board of children's guardians is an institution designed to obviate this difficulty.

A measure providing for boards of children's guardians was enacted in Indiana in 1889, and amended and put in its present form by the two succeeding legislatures. It applies to all counties (four at present) having a population of 50,000. It provides that the court in these counties shall appoint a board of six, three men and three women, whose duty it shall be to take charge of all children abandoned, neglected, or cruelly treated; all children found begging, or who are idle or incorrigible; the children of drunken and vicious parents, and all children living

[1] Ch. 181 and ch. 84 of Supplement.

[2] 3, ch. 84.

[3] Act of April 19, 1888.

[4] Act of July 26, 1892.

in evil associations, and to bring them before the court for trial. The court may commit them to this board, which then furnishes them a temporary home, secures their adoption, binds them out, or places them with families.[1]

A similar board has been provided for in cities of the first class in the state of Kentucky. Its powers and duties are the same as those of the Indiana boards.[2] In both states the members serve without pay.

A board of children's guardians was created in the District of Columbia in 1892. It is composed of nine members, each sex being represented by at least three. The board is a continuous body, three of the members being chosen each year. They are chosen by the justices of the police courts and the judge of the criminal court at a meeting called for that purpose. The work of the board is done through agents, it having an appropriation of not more than $2,400 per year for not more than two agents. The courts commit those under sixteen who are destitute, abandoned, or vagrant, or who have vicious and drunken parents, or are living in vicious and immoral associations, to this board, which then provides for them as stated above.[3]

Little has been done in the way of regulating private institutions caring for children, although state supervision and regulation of such is deemed highly important by many with experience in child-saving work.[4] In Pennsylvania "baby farms" are under state regulation. Such institutions must be licensed by the mayor or a magistrate, and may be visited and inspected by the state board of public charities.[5] In Maine no children's home may be incorporated without the certificate of the probate judge.[6] As was seen above, the incorporation of children's homes in New York must be approved by the state board of charities. Michigan defines very clearly the powers

[1] Act of March 9, 1889, as amended by Acts of March 9, 1891, and March 3, 1893.

[2] 2008–2013. [3] Act of July 26, 1892.

[4] As to the necessity of the state regulation of private institutions for the care of children and the points regulation should cover, see HOMER FOLK'S paper, on the "State Supervision of Child-saving Agencies," *Report of N. C. C. C.*, 1895, p. 209.

[5] 3–5, p. 1014. [6] Act of 1894.

and duties of humane societies and societies caring for children, and they must report to the legislature, attorney general, or secretary of state, whenever requested.[1] All children placed out in Michigan must be visited by the county agents. This latter provision is also found in Ohio, where the names of all children placed out must be recorded with the township clerk and visited by the local visitors when the society makes no provision for their visitation.[2] By an act of 1895, orphans' homes and incorporated societies in Wisconsin must report to the state board of control as required by it.[3] And, lastly, in Wyoming the county commissioners may remove children from institutions in which they are not well cared for, and, if necessary, declare such institutions to be public nuisances.[4]

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[1] 4583.

[2] 7801.

[3] Ch. 206, Acts of 1895.

[4] Act of 1895.